

## *St. Louis City Ordinance 63479*

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 72

INTRODUCED BY ALDERMAN DANIEL MCGUIRE

An ordinance establishing the Waterman/Lake Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters, bonding authority, and uses to which revenue may be put; creating a board of commissioners; and containing severability, effectiveness, and emergency clauses.

WHEREAS, petitions signed by property owners in the area hereinafter described have been filed with the City, requesting the establishment of a Special Business District, or Districts; and

WHEREAS, pursuant to Section 71.792 R.S.Mo., a survey and investigation on the desirability and possibility of forming a Special Business District, or Districts, in that portion of the City of St. Louis within the maximum commonly known boundaries beginning at the intersection of the centerlines of Kingshighway Boulevard and the north Washington Place alley, thence westwardly along the centerline of said alley across Lake Avenue to the intersection of the centerlines of said alley and Union Boulevard, thence southwardly along the centerline of said boulevard to the intersection of the centerlines of said boulevard and the westward prolongation of the south Waterman Boulevard alley, thence eastwardly along the centerline of said westward prolongation, said alley, and its eastward prolongation across Lake Avenue to the intersection of the centerlines of said eastward prolongation and Kingshighway Boulevard, thence northwardly along the centerline of said boulevard to the point of beginning, has been conducted and a written report thereof is on file in the office of the City Register as Document 78515; and

WHEREAS, this Board of Aldermen did on April 28, 1995 adopt Resolution Number 14 declaring its intention to establish a Special Business District, or Districts, in said area and calling for a public hearing on the matter; and

WHEREAS, said public hearing, duly noticed, was held at 11:30 a.m. on May 18, 1995, by the Committee on Ways & Means of the Board of Aldermen; and

WHEREAS, this Board of Aldermen hereby finds that the establishment of three separate Special Business Districts within the maximum boundaries of said area described above is in the best interest of the City of St. Louis and that the property owners and tenants of said area and the public in general will benefit by the establishment of said three Special Business Districts and the increased level of services provided by the proposed additional tax revenues from said three districts; and

WHEREAS, the said three districts shall be known as the Waterman/Lake, Westminster/Lake, and Washington Place Special Business Districts; and

WHEREAS, this ordinance establishes one of said three Special Business Districts.

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

SECTION ONE. A Special Business District, to be known as the "Waterman/Lake Special Business District" (hereinafter referred to as the "District"), is hereby established for the area of the City described as follows:

Beginning at the intersection of the centerlines of Kingshighway Boulevard and the north Waterman Boulevard alley; thence westwardly along the centerline of said alley and its prolongation across Lake Avenue and the property owned by New City School to the intersection of the centerlines of said alley and Union Boulevard; thence southwardly along the centerline of said boulevard to the intersection of the centerline of said boulevard and the westward prolongation of the north property lines of the parcels fronting on Portland Place (said lines being 200' north of the northern curbline of Portland Place); thence eastwardly along the said property lines to the intersection of the eastward prolongation of said property lines and the centerline of Kingshighway Boulevard; thence northwardly along the centerline of said boulevard to the point of beginning.

SECTION TWO. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for costs and expenses incurred in the establishment and operation of the District, the provision of services and facilities and improvements authorized in Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on bonds or notes authorized for the construction or acquisition of any said improvement, there may be imposed a tax upon all real property within the

District which shall not exceed eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine.

B. If the proposition submitted to the qualified voters residing in the District receives in its favor the votes of the majority of the qualified voters voting at the election conducted pursuant to Section Nine, the initial rate of levy which shall be imposed upon real property within the District shall be eighty-five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation.

C. Real property subject to partial tax abatement under the provisions of Chapter 353, R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement.

D. The tax provided for by this ordinance shall be collected by the Collector of Revenue and held in a special account to be used only for all purposes authorized hereunder, as provided by law.

E. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes because of charitable, religious, educational or other public or private uses.

F. If the District for any reason is dissolved, all delinquent taxes collected after the date of dissolution shall be credited and forwarded to the general fund of the City of St. Louis after all debts of the District, if any, are discharged.

G. The tax provided for by this ordinance shall only be levied and collected for tax years 1995 through 2004.

SECTION THREE. For the purposes of paying costs and expenses to be incurred in the acquisition, construction, improvement, expansion and/or maintenance of any facilities of the District, the District may incur indebtedness and issue bonds or notes for the payment thereof under the terms of, and subject to, the requirements set forth by law.

SECTION FOUR. There shall be a Board of Commissioners to administer the District. The Board of Commissioners shall be selected as follows:

A. Membership: The Board of Commissioners shall consist of seven (7) members, and shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom five (5) members shall be owners of real property within the District or their representatives and two (2) members shall be renters within the District or their representatives.

B. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as of December 31st of the designated year or when their successors are appointed as provided herein, whichever is later.

C. Initial Members and Terms: The initial members shall be appointed for the terms set forth as follows: one (1) member shall be appointed for a term expiring December 31, 1996; two (2) members shall be appointed for a term expiring December 31, 1997; two (2) members shall be appointed for a term expiring December 31, 1998; and two (2) members shall be appointed for a term expiring December 31, 1999. The initial members shall be appointed and confirmed no later than July 31, 1995.

D. Removal: The Mayor with approval of the Board of Aldermen may remove any member of the Board of Commissioners for misconduct or neglect of duty upon written charges and after a public hearing.

E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal, resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the Board of Commissioners. The vacancy shall be filled in like manner as an original appointment no later than thirty (30) days after the date of said report to the Mayor. Appointments to fill vacancies shall be for the unexpired portion of a term only.

SECTION FIVE. All District revenues collected hereunder by the Collector of Revenue, except for those revenues expended for the necessary costs of the establishment and administration of the District, and for collection fees for tax revenue collected hereunder, may be used to carry out any and all of the following improvements, services and activities of the District:

A. To provide special police and/or security facilities, equipment, vehicles and/or personnel for the protection and enjoyment of the property owners and the general public within the District;

B. To provide special cleaning facilities and personnel for the enjoyment of the property owners and the general public within the District;

C. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting;

D. To construct, install, improve and/or maintain pedestrian malls, plazas, streets, sidewalks, parks, bus stop shelters, lighting, benches, or other seating furniture, sculptures, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls, fences, gates and barriers, paintings, murals, alleys, shelters, fountains, ramps, and each and every other useful or necessary or desired improvement;

E. To promote activities in the District by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place and the general promotion of activities in the District;

F. To maintain any City-owned streets, alleys, malls, ramps, trees and decorative plantings of each and every nature, and any structure or object of any nature whatsoever constructed or operated by the city;

G. To prohibit or restrict vehicular traffic on such streets and alleys within the District as the Board of Aldermen may deem necessary and to provide the means for access by emergency and refuse vehicles to or in such areas;

H. To close existing City-owned streets or alleys or to open new streets and alleys or to widen or narrow existing City-owned streets and alleys in whole or in part within the District as the Board of Aldermen may deem necessary.

SECTION SIX. The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

A. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

B. Enter into any agreement with the City, any other public agency, any person, firm, or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

C. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and

agents of the District, providing for coverage of such risks and with such limits as the Board of Commissioners may deem proper;

D. Accept gifts, grants, loans or contributions from the City, the United States of America, the State of Missouri, political subdivisions, foundations, other public or private agencies, individuals, partnerships, or corporations; and

E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other assistance as the Board of Commissioners may deem advisable; the District may also contract with independent contractors for any such assistance;

F. Provided, however, that the members of the Board of Commissioners shall serve without compensation of any kind.

SECTION SEVEN. The Board of Commissioners shall file an annual report with the Board of Aldermen, which shall set forth the programs and expenditures of the District for the previous year in which additional taxes were collected hereunder, not later than the first day of March of each year. The Board of Commissioners shall also file with the Board of Aldermen an annual budget for the District setting forth the projected expenditures for the ensuing year in which additional taxes are to be collected hereunder, not later than the first day of November preceding such fiscal year. The Board of Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent with or until an annual budget for the expenditure of such funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said budget by Resolution within thirty (30) days of its filing, said budget will presume to have been approved by the Board of Aldermen.

SECTION EIGHT. The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION NINE. The tax levy authorized in Section Two shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at a special election in the District to be held on August 8, 1995, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT

Shall a tax of \$.85 per \$100.00 valuation be imposed on all real property located in the Waterman/Lake Special Business District as defined in Ordinance No.\_\_\_\_\_, approved \_\_\_\_\_, (Board Bill No. 72) for the purposes as set forth in said Ordinance for the tax years 1995 through 2004 only?

\_\_\_\_ YES

\_\_\_\_ NO

SECTION TEN. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be separate, distinct and independent provisions of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION ELEVEN: This being an ordinance for the immediate preservation of public peace, health and safety, it is declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/12/95	05/12/95	W&M	05/18/95	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/26/95			05/26/95	06/02/95
ORDINANCE	VETOED		VETO OVR	
63479				